

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

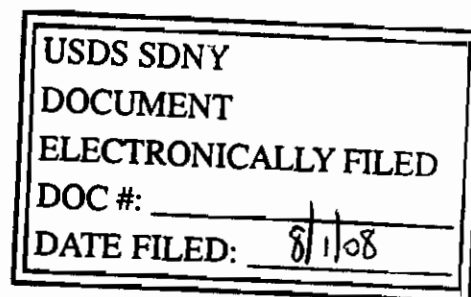
FRANCESCO GALLO,

Plaintiff,

-against-

ALITALIA – LINEE AEREE ITALIANE –
SOCIETA PER AZIONI, PIERANDREA GALLI,
and GUILIO LIBUTTI,

Defendants.



07 Civ. 6418 (CM)(RLE)

ORDER GRANTING DEFENDANTS' REQUEST
TO DEPOSE NUNZIA FATICA GALLO

McMahon, J.:

I have reviewed defendants' Motion to Exclude the Affidavit of Nunzia Fatica Gallo, the memorandum of law in support of this motion, and the accompanying declaration of Alan M. Koral, Esq., dated July 25, 2008. Defendants argue that the Affidavit of nonparty Nunzia Fatica Gallo, submitted by plaintiff in opposition to defendants' motion for summary judgment, should be excluded because it was untimely filed.

The Court will not exclude this Affidavit at this time. However, I am granting defendants' request, in the alternative, to depose Ms. Gallo pursuant to Federal Rule of Civil Procedure 56(e)(1), and to file a supplemental brief (of no more than two pages) addressing such deposition and the Affidavit. Defendants have thirty days to take Ms. Gallo's deposition. If she is not made available to defendants during this period of time, her Affidavit will be excluded.

Dated: August 1, 2008



U.S.D.J.

BY ECF TO ALL COUNSEL